

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 1-6 and 11-22 remain in the application. Claims 7-10 were canceled earlier in the prosecution. Claim 1 is the only independent claim and has been amended to define the invention with greater particularity. Claims 2-6 and 11-22 have been amended to conform to amended claim 1.

At the outset, counsel thanks Examiner Quinn for the courtesies extended during the interview of March 4, 2010. Counsel sent the Examiner a proposed amendment to claim 1 prior to the interview and then proceeded to discuss the initially proposed amendment in the context of the Examiner's comments and the prior art. The Examiner understood the direction that the applicant and counsel were trying to take, but indicated that further clarification would be necessary. The Examiner proceeded to offer helpful advice as to areas of the proposed amendment where additional clarification would be necessary to define the invention with sufficient particularity and to distinguish over the applied art. In this regard, the Examiner explained that the shirring would not be limited to a substantially widthwise middle portion of the crotch part of the main body as recited in the currently amended claims. Rather, the Examiner stated her understanding of the invention as being directed to a wearing article where "elastic members" are secured in a substantially widthwise middle portion of the crotch part of the main body. This widthwise middle disposition of the elastic members would lead to increased shirring in the widthwise middle portion of the crotch part. However, shirring may exist to a lesser extent at the widthwise sides of the crotch part. Accordingly, the Examiner indicated that a clarifying amendment in this regard would be helpful.

The previously proposed amendment defined the shirring as being at a substantially widthwise middle portion of the crotch part of the main body, which then was defined further as being “between the widthwise sides of the crotch part”. The Examiner explained that further clarification would be necessary to define this location where the “elastic members” are secured to create the shirring. The Examiner suggested that the claim might be received more favorably if the width dimensions of areas of the crotch part that have the elastic members was defined as being narrower than the overall width of the crotch part.

The Examiner further emphasized that the term “forking” presented in the claims is not sufficiently distinct to define the structure that the applicant apparently was trying to define. The Examiner did not offer any specific terminology that might be received more favorably.

Counsel has reviewed the entirety file, and proposed amendment in view of the very helpful comments during the interview. Currently amended claim 1 defines a “trunk-type or bloomers-type wearing article” with “a front part and a back part spaced apart along a forward-and-backward direction and crotch part coupling the front and back parts”. A “trunk-type” wear article, as presented in the preamble of each amended claim, is a term of art and has support in paragraph 0106 of the substitute specification. A “bloomers-type wearing article as presented in the preamble of each amended claim also is a term of art and is described in paragraph 0113 of the substitute specification. The crotch part of amended claim 1 is defined as “having opposite widthwise sides spaced apart along a width direction that is transverse to the forward-to-backward direction so that the crotch part defines a selected width in the width direction”. The main body is defined as having a pair of waist edges opposed to each other along the forward-and-backward

direction and a pair of leg edges opposed to each other along the width direction. Amended claim 1 then defines “elastic members secured in a substantially widthwise middle portion of the crotch part of the main body between the widthwise sides of the crotch part so that a width dimension of areas of the crotch part that have the elastic members is narrower than the width of the crotch part and so that the elastic member forms a shirring to shorten a space between the front and back parts.” The disposition of the elastic members in the substantially widthwise middle portion of the crotch part results in greater shirring in the widthwise middle portion of the crotch part, thereby “forming an inverted fork shape upon wearing the trunk-type wearing article so that the widthwise sides of the crotch part are below the widthwise middle portion of the crotch part and so that the widthwise sides of the crotch part define parts of legs of the trunk-type wearing article.” Claim 1 continues to define a ratio of the length of the crotch part along the forward-and-backward direction to a length between the pair of waist edges as being 1:15 to 1:2.

The Examiner noted correctly in the Office Action of November 24, 2009 that “the shape of trunks or bloomers” was not recited in the previously presented claims and there was no structural language in the claims defining “trunks or bloomers”. It is believed that the amended claims provide the structural specificity that was missing from the currently amended claims. It is also submitted that the amended claims define a unique shape that is not suggested by Kielpikowski et al. or any of the other prior art of record. In this regard, the crotch part of Kielpikowski et al. defines an upwardly concave U-shaped in both the width direction and in the forward-and-backward direction. This vastly different shape of Kielpikowski et al. is attributed to the Kielpikowski et al. disposition of the elastic members on the crotch flaps to be adhered along the portion around the legs, namely, at the opposite widthwise sides of the crotch part. Thus, the shirring produced by

Kielpikowski et al. is greater at the opposite widthwise sides. The Kielpikowski et al. reference has no suggestion of elastic members secured in a substantially widthwise middle of the crotch part of the main body between the widthwise side of the crotch part so that a width dimension of areas of the crotch part that have the elastic members is narrower than the width of the crotch part and so that the elastic members form a shirring to shorten a space between the front and back parts. Accordingly, the crotch part of Kielpikowski et al. does not form "an inverted fork shape upon wearing the trunk-type or bloomers-type wearing article so that the widthwise sides of the crotch part are below the widthwise middle portion of the crotch part and so that the widthwise sides of the crotch part defines parts of legs of the trunk-type or bloomers-type wearing article". Accordingly, it is submitted that the invention define by amended claim 1 and its dependent claims is not taught or suggested by Kielpikowski et al.

In view of the preceding amendments and remarks, it is submitted that all of the claims remaining in the application are directed to patentable subject matter, and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,



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